

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Nadia GARDEL et al.)	Group Art Unit: 1616
)	
Application No.: 10/784,909)	Examiner: Ali SOROUS
)	
Filed: February 24, 2004)	Confirmation No.: 6147
)	
For: WATER-IN-OIL EMULSION)	
FOUNDATION COMPRISING A)	
POLYOL)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Pascal ARNAUD, declare and state that:

1. I am a French Citizen, residing at 18, rue de la Bergère, 94240 L'Hay Les
Roses, FRANCE.
2. I have been awarded a degree from the Ecole Nationale Supérieure de
Chimie de Paris (ENSCP).
3. I have been employed by L'Oréal S.A. since 1989, and I am currently
Research Engineer within the Foundation Laboratory at L'Oréal S.A. During my
employment at L'Oréal S.A. I have been engaged in research and development in the
area of Foundation compositions.

4. Given my education and experience, particularly in the area of cosmetics, I consider myself able to provide the following testimony based on experiment conducted by me or under my supervision.

COMPARATIVE EXPERIMENTS

5. Comparative testing was performed between a composition according to the claimed invention and compositions described in U.S. Patent No. 5,843,417 (hereinafter "Hanna") and U.S. Patent No. 5,902,592 (hereinafter "Bara").

6. Composition 1 (inventive) and Compositions A, B, and C (each comparative) were prepared according to Table 1 below (amounts expressed in g%). The compositions were identical to each other with the exception that Composition A does not contain the claimed second volatile silicone oil in accordance to the embodiments of *Hanna*, Composition B does not contain the claimed first and second volatile silicone oils in accordance to the embodiments of *Hanna*, and Composition C does not contain the claimed volatile hydrocarbon-based oil in accordance to the embodiments of *Bara*.

Table 1

Phase	MP	Composition 1 (Inventive)	Composition A (Comparative)	Composition B (Comparative)	Composition C (Comparative)
A1	Cétyl Dimethicone copolyol (ABIL EM90 from Goldschmidt)	0.8	0.8	0.8	0.8
	Polyglyceryl isostearate	0.6	0.6	0.6	0.6
	Hexyl Laurate	0.6	0.6	0.6	0.6
	Dimethicone copolyol (KF6017 from Shin Etsu)	5	5	5	5
	Isoeicosane	2	2	2	2
	Isostearyl neopentanoate	0.5	0.5	0.5	0.5
	Polydimethylsiloxane (DC200 5 cSt from Dow Corning)	2.5	2.5	2.5	2.5

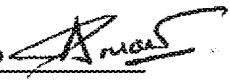
	Preserving agent	0.15	0.15	0.15	0.15
A2	Cyclohexadimethylsiloxane	7	-	-	7
	Cyclopentadimethylsiloxane	3.9	3.9	-	3.9
	Isododecane	13	13	12	-
A3	Hectorite	1.6	1.6	1.6	1.6
A4	Cyclopentadimethylsiloxane	8	8	-	8
	Cyclohexadimethylsiloxane	-	-	7	-
	Isododecane	-	-	1	-
	Yellow Iron Oxide coated with perfluoroalkyl phosphate	0.51	0.51	0.51	0.51
	Brown Iron Oxide coated with perfluoroalkyl phosphate	0.15	0.15	0.15	0.15
	Black Iron Oxide coated with perfluoroalkyl phosphate	0.04	0.04	0.04	0.04
	Titanium oxide coated with perfluoroalkyl phosphate	11.2	11.2	11.2	11.2
A5	Polymethyl methacrylate powder	2	2	2	2
	Polymethyl methacrylate powder	2	2	2	2
B	Water	25	32	36.9	38
	Butylene glycol	3	3	3	3
	Glycerol	7	7	7	7
	Preserving agent	0.5	0.5	0.5	0.5
	Preserving agent	0.25	0.25	0.25	0.25
	Sodium chloride	0.7	0.7	0.7	0.7
C	Nacre	2	2	2	2
total		100 % weight	100 % weight	100 % weight	100 % weight

7. 0.10 g of each composition was applied on half of the face of each person on a panel consisting of four people. Each person noted a more rapid and easier application and better glide with Composition 1 (inventive). In contrast, comparative composition A exhibited a more creamy effect while comparative compositions B and C were more thick and difficult to apply on the face.

8. The results discussed above show that inventive composition surprisingly produces a better glide and improved comfort in comparison to the ones according to *Hanna* and *Bara*. Thus, I believe that the inventive composition according to this application are unexpectedly and surprisingly superior to those of the prior art.

14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: August 03 2011

By: Pascal ARNAUD 
Pascal ARNAUD